



Appeal Decision

Hearing held on 12 September 2006

Site visit made on 12 September 2006

by Andrew J Seaman BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for
Communities and Local Government

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Date

Appeal Ref: APP/R3325/A/05/1191895

Part OS 3525, Southmead, West Camel, Yeovil, Somerset

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Miss J and Miss A Down against the decision of South Somerset District Council.
- The application Ref 05/00646/OUT, dated 8 March 2005, was refused by notice dated 27 September 2005.
- The development proposed is to construct a live/work bungalow.

Summary of Decision: I dismiss the appeal.

Procedural Matters

1. The proposal seeks outline permission for a single live/work bungalow with all matters reserved for later approval.
2. A signed and dated unilateral undertaking was provided at the Hearing which, in the event of an allowed appeal, would restrict the occupation of the bungalow and link the property to a specific land holding.

Planning Policies and the Main Issue

3. The development plan includes the Somerset and Exmoor National Park Joint Structure Plan Review (Structure Plan) and the South Somerset Local Plan (Local Plan). Policy STR1 of the Structure Plan sets out the sustainable development strategy for the area and identifies the need to develop a pattern of land use and transport which minimises the length of journeys and the need to travel while maximising the potential for the use of public transport, cycling and walking. Policy STR6 of the Structure Plan and Policy ST3 of the Local Plan reflect the advice of Planning Policy Statement 7 'Sustainable Development in Rural Areas' (PPS7) by seeking to strictly control new development outside towns, rural centres and villages to that which benefits economic activity, maintains or enhances the environment and which does not foster growth in the need to travel.
4. I consider the main issue for this appeal is whether the proposed bungalow accords with the provisions of the development plan in relation to new development outside settlements and, if not, whether the special circumstances and justification of the appellants constitute an overriding consideration.

Reasons

5. The appeal site is located within field OS3525 which forms part of the current landholding of Slow Court Farm. The site is adjacent to a group of properties known as Southmead and is screened from public view by substantial hedging and semi-mature trees.
6. The appellants propose to construct a new bungalow to accommodate themselves and their mother and which would contain an office from which they would run their farming and village activities. 34 acres of land would be retained adjacent to the site. The appellants indicated at the Hearing that the existing farmhouse, buildings and other land would be sold.
7. The Local Plan has defined a clear development boundary for West Camel which represents part of the Council's delivery mechanism for providing sufficient housing for the plan period, as derived from the Structure Plan and district wide assessments of need. The site is outside the development boundary as defined for the village and, consequently, I am satisfied that Policy ST3 of the Local Plan applies. As noted above, this policy together with policy STR6 of the Structure Plan reflect the advice of PPS7 and restrict development in such areas to that which satisfies three criteria. I now examine these:

Economic Benefit

8. The appellants contend that their continuation of farming activities on the proposed reduced acreage would maintain local economic activity. Furthermore, I heard that the appellants are considerably involved in village activities within West Camel that include charitable fund raising and other aspects of the social economy.
9. I accept that the appellants undertake their business and village activities from Slow Court Farm but I heard no evidence, and saw no analysis, that indicated that the new bungalow would result in substantive benefits to economic activity over and above the existing situation, even if the remainder of Slow Court Farm is sold. I therefore consider that the economic benefits of the proposal would not satisfy the intentions of Policy ST3 of the Local Plan or STR6 of the Structure Plan.

Maintains or Enhances the Environment

10. The appeal site is currently part of a field. I accept that the site is well screened from public view and is adjacent to the houses of Southmead. However, the proposal would introduce a new dwelling into the countryside and increase the extent to which the village would intrude into the natural environment. A new access would be created leading, and providing views, into the site. I consider the proposal would not 'round off' the village nor, in my opinion, would the proposed bungalow, upon the substantial plot indicated, maintain or enhance the environment as required by the development plan.

Not Foster Growth in the Need to Travel

11. West Camel is a village with limited services and facilities. I heard that a weekly Post Office is held in the village hall in conjunction with the delivery and resale of bread and dairy products from a local baker. While there is a public house, a church, recreation facilities and an actively used village hall, West Camel does not have a range of other services, such as, for example, a school, shops or health care facilities. These latter services

are accessed in the settlements of Queen Camel and Yeovil. West Camel has a single morning bus service to Yeovil twice a week.

12. I saw that the appeal site is some considerable distance from the village hall, public house, church and the two bus stops for the village. From this location, and with due regard to the appellants personal circumstances, I consider it likely that access to the facilities of West Camel, and those of Queen Camel and Yeovil, would normally necessitate the use of a car.
13. PPS7 advises that the issue of accessibility should be a key consideration in all development decisions. I consider it probable that the continued occupation of the more remote Slow Court Farm would result from the planned sale; I also consider it likely that the future occupants of Slow Court Farm would utilise a car in order to access the facilities and services described above, which, in addition to the proposed bungalow, would cumulatively foster growth in the need to travel.
14. I therefore conclude that the proposal would be contrary to Policies STR1 and STR6 of the Structure Plan and Policy ST3 of the Local Plan. I consider that the harm that would be caused to the sustainability objectives of the development plan could not be mitigated by the use of reasonable planning conditions.

Special Justification and Personal Circumstances

15. The appellants confirmed their argument that the proposal is partly justified on the basis of agricultural need, partly on the basis of a live work unit and partly due to their personal circumstances.

Agricultural Justification

16. PPS7 clearly suggests that single dwellings away from areas allocated for housing in development plans should be strictly controlled. Annex A to PPS7 relates to the circumstances where special justification exists for a worker to live permanently at or near their place of work in the countryside but also identifies that it will often be more sustainable for such workers to live in nearby villages.
17. While no agricultural appraisal has been submitted with the appeal I heard that the appellants intend to develop their store cattle business by increasing stocking levels on their proposed land holding to approximately 1.5 cattle per acre. The appellants also intend to commercially produce free-range eggs. These activities would be run from the proposed office.
18. I heard that the appellants inspect their stock twice a day, in addition to other maintenance activities on the farm. However, no examples were cited of animals needing essential care at short notice nor were examples of threats to livestock security given. Given the absence of a clear appraisal of the farm activities and its future intentions, the extensive nature of the store cattle business and the uncertain timescale as to when the free-range egg production would begin, I conclude that the functional 'test' of PPS7 would not be satisfied by the proposal.
19. Little financial evidence was provided regarding the business activities of the appellants although I have no reason to query that the existing farm enterprise supports the appellants' household at an adequate level. Furthermore, I do not doubt the experience and commitment of the appellants in seeking to maintain their livelihood. However,

recognising that the appellants currently own and occupy a substantial farmhouse and, on the basis of the submitted and oral evidence, I am not persuaded that, with due regard to the terms of Annex A to PPS7, there is a proven agricultural justification for the proposed bungalow.

Live/work Unit

20. The proposed bungalow would contain an office for the running of the appellants' business interests and their involvement with village activities.
21. Paragraph 9.19 of the Local Plan supports the principle of providing 'Workplace Homes'. However, the Local Plan indicates that such a home would comprise a dwelling and a light industrial workplace and I do not consider that the proposal constitutes such a use that would be justified in the context of paragraph 9.19.
22. I do not consider that the proposed office needs to be sited in the proposed countryside location. The village activities could be organised from a home office in an alternative location and I heard no evidence that persuades me that the farm activities themselves justify an office on the land holding. I therefore consider that the justification provided for a live/work unit is of insufficient weight to override the policy provisions of the development plan or the advice of PPS7.
23. I have also considered the case cited at North Cadbury but, on the evidence available, the circumstances appear to be somewhat different and have not established an over-riding precedent that supports the current proposal.

Personal Circumstances

24. The appellants' family has farmed the land adjacent to West Camel for approximately 80 years. The appellants themselves are involved with many village activities, particularly with assisting with events held at the village hall and with the church. On the basis of the written submissions and the verbal testimony of those present at the Hearing I am in no doubt that the appellants are integral and valued members of the local community.
25. The appellants have restricted personal mobility and I have noted the letter in support of the proposal from their former doctor. They continue to be the main labour force for the daily activities of the farm. I saw the internal layout of the existing Slow Court Farmhouse and noted the variations in floor levels, together with the steep and narrow staircases which lead to the first floor accommodation, and I accept that the present accommodation, in addition to its maintenance requirements, is not best suited to their personal household circumstances.
26. I can understand that a purpose-built live/work bungalow adjacent to retained agricultural land would help the family meet its demands for level and suitably laid out accommodation. However, while I have given the appellants' personal circumstances careful consideration, I am mindful of the advice contained in 'The Planning System: General Principles' in that personal circumstances will seldom outweigh more general planning considerations particularly where it is probable that the proposed bungalow would remain long after the current personal circumstances cease to be material. I therefore consider that these factors are not sufficient to outweigh the clear policy position established by the development plan

and the advice within Planning Policy Statement 1 'Delivering Sustainable Development' (PPS1) and PPS7.

Conclusions

27. I heard from the Parish Council and local residents of concerns over the limited potential for the future growth for the village as imposed by the Local Plan. However, I consider that these issues should be dealt with through the formation of any relevant Local Development Documents to be produced by the Council, rather than through individual decisions on specific planning applications, such as this appeal.
28. The Structure Plan and the recently adopted Local Plan reflect government advice, particularly as contained in PPS1 and PPS7, in strictly controlling housing development in the countryside. The proposed bungalow would be outside the development boundary for West Camel and be contrary to Policies STR1 and STR6 of the Structure Plan and ST3 of the Local Plan. The proposal would not be justified on the basis of agricultural or work-related need and while the appellants' personal circumstances are understandable, I do not consider that they represent overriding special justification for a new dwelling in this location. Accordingly, I consider that neither planning conditions nor the submitted unilateral undertaking would mitigate the harm to the objectives of the development plan that I have identified.
29. I have considered all other matters raised, including other planning decisions on different sites and the procedural manner in which the Council determined the application, but nothing leads me to a different decision.

A J Seaman

Inspector